

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14-cv-00580-FDW

MARION BEASLEY, JR.,

Plaintiff,

v.

NORTH CAROLINA DEP'T  
OF PUBLIC SAFETY; ROBERT  
MITCHELL; FNU ENGLISH;  
FNU PHILEMON,

Defendants.

**ORDER**

**THIS MATTER** is before the Court on consideration of Plaintiff's *pro se* motion to amend his § 1983 complaint which was dismissed under the three strikes provision of 28 U.S.C. § 1915(g).

In the order of dismissal, the Court found that Plaintiff could not proceed with his § 1983 complaint without prepaying the filing fee because while a prisoner of the State of North Carolina, Plaintiff had three or more § 1983 complaints dismissed under 28 U.S.C. § 1915(e) as being frivolous or for failure to state a claim and in each of those cases he had been allowed to proceed *in forma pauperis*. See (3:14-cv-00580, Doc. No. 8: Order at 2 (citing cases)). Plaintiff's complaint was dismissed without prejudice.

In his motion to amend his § 1983 complaint, Plaintiff fails to demonstrate any allegations which alter the Court's conclusion that he may not proceed with this civil action without prepaying the full filing fee. In other words, Plaintiff's motion to amend fails to establish that he is under imminent risk of physical injury under § 1915(g).

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's motion to amend is **DENIED**. (Doc. No. 10).
2. Plaintiff's motion for injunction is **DENIED**. (Doc. No. 11).
3. Plaintiff's motion to appoint counsel is **DENIED**. (Doc. No. 13).

**IT IS SO ORDERED.**

Signed: August 12, 2015

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

